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UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Sean Ahern

v.

Case No. 04-cv-474-SM

United States

ORDER

Re: Document No. 26, MOTION under Federal Rules of Civil Procedure 60(b)(5)(6) to Reopen Petitioner's 28 U.S.C. § 2255

Ruling: The motion is denied, for the reasons given in the government's objection (document no. 27). The motion is properly construed as a second or successive petition under 28 U.S.C. Section 2255. This court is without jurisdiction to consider the motion as petitioner has not first obtained permission to file it from the United States Court of Appeals for the First Circuit.


Steven J. McAuliffe
Chief Judge

Date: August 25, 2011

cc: Sean Ahern, pro se
Donald Feith, AUSA